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09/772,066	01/30/2001	Doug Hutcheson	50310-00630	8177

7590 06/21/2004  
Louis M Heidelberg  
Reed Smith LLP  
2500 One Liberty Place  
Philadelphia, PA 19103-7301

EXAMINER

RAMPURIA, SHARAD K

ART UNIT PAPER NUMBER

2683

DATE MAILED: 06/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/772,066

Applicant(s)

HUTCHESON ET AL

Examiner

Sharad Rampuria

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-73 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-73 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6.9.12</u> . | 6) <input type="checkbox"/> Other: ____  |

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11, 13-17, 19-28, 30-34, 36-45, 47-50, 52-59, 61-62, 64-69, & 71-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marsh et al. in view of Chow et al.

1. Regarding claim 1, Marsh disclosed A business method for providing wireless communications services to one or more users of the services, comprising:  
charging the user a flat rate for a period of time; (one rate; col.2; 8-22 & col.16; 53-64) and

Marsh fails to disclosed allowing the user unlimited access to the wireless communications services during the period of time. However, Chow teaches in an analogous art, that allowing the user unlimited access to the wireless communications services during the period of time. (home... free within that zone; pg.3; 0036 & 0033) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include allowing the user unlimited access to the wireless communications services during the period of time in order to provide a single rate for home neighborhood zone.

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2. Regarding claim 2, Marsh disclosed The method of Claim 1, further comprising determining the value of the flat rate without relation to individual minutes of use by the user of the wireless communications services during the period of time. (col.16; 53-64)
3. Regarding claim 3, Marsh disclosed The method of Claim 1, further comprising determining the value of the flat rate without relation to the individual number of calls made or received by the user during the period of time. (col.16; 53-64)
4. Regarding claim 4, Marsh disclosed The method of Claim 1, wherein the period of time further comprises a predetermined time period. (col.16; 53-64)
5. Regarding claim 5, Marsh disclosed The method of Claim 1, further comprising charging a flat rate for the period of time that is proportional to a rate of less than or equal to about \$50 per month. (Table 6-8; col.18; 23-61)
6. Regarding claim 6, Marsh disclosed The method of Claim 1, further comprising charging a flat rate for the period of time that is proportional to a rate of less than or equal to about \$30 per month. (Table 6-8; col.18; 23-61)
7. Regarding claim 7, Marsh disclosed The method of Claim 1, further comprising allowing use at a rate for the period of time that is proportional to a rate of more than or equal to about 300 calls per month. (Table 6-8; col.18; 23-61)
8. Regarding claim 8, Marsh disclosed The method of Claim 1, further comprising allowing use at a rate for the period of time that is proportional to a rate of more than or equal to about 400 minutes of use per month. (Table 6-8; col.18; 23-61)

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9. Regarding claim 9, Marsh disclosed The method of Claim 1, further comprising allowing use at a rate for the period of time that is proportional to a rate of more than or equal to about 600 minutes of use per month. (Table 6-8; col.18; 23-61)

10. Regarding claim 10, Marsh disclosed The method of Claim 1, further comprising allowing use at a rate for the period of time that is proportional to a rate of more than or equal to about 800 minutes of use per month. (Table 6-8; col.18; 23-61)

11. Regarding claim 11, Marsh disclosed The method of Claim 1, further comprising allowing use at a rate for the period of time that is proportional to a rate of more than or equal to about 1000 minutes of use per month. (Table 6-8; col.18; 23-61)

13. Regarding claim 13, Marsh disclosed The method of Claim 1, further comprising maintaining the average revenue per user at a rate for the period of time that is proportional to a rate of less than or equal to about \$40 per month, and wherein the average minutes of use of the services per user is at a rate for the period of time that is proportional to a rate of greater than or equal to about 200 minutes per month. (Table 6-8; col.18; 23-61)

14. Regarding claim 14, Marsh disclosed The method of Claim 1, further comprising maintaining the average revenue per user at a rate for the period of time that is proportional to a rate of less than or equal to about \$30 per month, and wherein the average minutes of use of the services per user is at a rate for the period of time that is proportional to a rate of greater than or equal to about 500 minutes per month. (Table 6-8; col.18; 23-61)

15. Regarding claim 15, Marsh disclosed The method of Claim 1, further comprising maintaining the average revenue per user at a rate for the period of time that is proportional to a rate of less than or equal to about \$30 per month, and wherein the operating expense per user is at a rate for

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the period of time that is proportional to a rate of less than or equal to about \$26 per month.

(Table 6-8; col.18; 23-61)

16. Regarding claim 16, Marsh disclosed The method of Claim 1, further comprising:

maintaining the average revenue per user at a rate for the period of time that is proportional to a rate of less than or equal to about \$30 per month; and maintaining the margin for the operator of the wireless communications services at greater than or equal to about 15%.(Table 6-8; col.18; 23-61)

17. Regarding Claim 17, Marsh disclosed all the particulars of the claim except providing the wireless communications services primarily in limited geographic areas in which the user substantially lives, works, and plays. However, Chow teaches in an analogous art, that The method of Claim 1, further comprising providing the wireless communications services primarily in limited geographic areas in which the user substantially lives, works, and plays. (home... free within that zone; pg.3; 0036 & 0033) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include providing the wireless communications services primarily in limited geographic areas in which the user substantially lives, works, and plays in order to provide a single rate for home neighborhood zone.

19. Regarding claim 19, Marsh disclosed A business method for providing wireless communications services to one or more subscribers in return for payment of a charge, (abstract), comprising:

determining a flat rate charge for the services; (one rate; col.2; 8-22)

determining a period of time within which the flat rate for the wireless device charge shall apply; (period of time; col.16; 53-64)

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determining a charge to the account based upon the flat rate for the period of time; (col.16; 53-64); and

Marsh fails to disclosed providing unlimited access to the wireless communications services for the flat rate during the period of time. However, Chow teaches in an analogous art, that providing unlimited access to the wireless communications services for the flat rate during the period of time. (home... free within that zone; pg.3; 0036 & 0033) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include providing unlimited access to the wireless communications services for the flat rate during the period of time in order to provide a single rate for home neighborhood zone.

20. Regarding claim 20, Marsh disclosed The method of Claim 19, further comprising determining the value of the flat rate without relation to minutes of use by the user of the wireless communications services during the period of time. (col.16; 53-64)

21. Regarding claim 21, Marsh disclosed The method of Claim 19, further comprising determining the value of the flat rate without relation to the number of calls made or received by the user during the period of time. (col.16; 53-64)

22. Regarding claim 22, Marsh disclosed The method of Claim 19, wherein the period of time further comprises a predetermined time period. (col.16; 53-64)

23. Regarding claim 23, Marsh disclosed The method of Claim 19, further comprising charging a flat rate for the period of time that is proportional to a rate of less than or equal to about \$50 per month. (Table 6-8; col.18; 23-61)

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24. Regarding claim 24, Marsh disclosed The method of Claim 19, further comprising charging a flat rate for the period of time that is proportional to a rate of less than or equal to about \$30 per month. (Table 6-8; col.18; 23-61)

25. Regarding claim 25, Marsh disclosed The method of Claim 19, further comprising allowing use at a rate for the period of time that is proportional to a rate of more than or equal to about 400 minutes of use per month. (Table 6-8; col.18; 23-61)

26. Regarding claim 26, Marsh disclosed The method of Claim 19, further comprising allowing use at a rate for the period of time that is proportional to a rate of more than or equal to about 600 minutes of use per month. (Table 6-8; col.18; 23-61)

27. Regarding claim 27, Marsh disclosed The method of Claim 19, further comprising allowing use at a rate for the period of time that is proportional to a rate of more than or equal to about 800 minutes of use per month. (Table 6-8; col.18; 23-61)

28. Regarding claim 28, Marsh disclosed The method of Claim 19, further comprising allowing use at a rate for the period of time that is proportional to a rate of more than or equal to about 1000 minutes of use per month. (Table 6-8; col.18; 23-61)

30. Regarding claim 30, Marsh disclosed The method of Claim 19, further comprising maintaining the average revenue per user at a rate for the period of time that is proportional to a rate of less than or equal to about \$40 per month, and wherein the average minutes of use of the services per user is at a rate for the period of time that is proportional to a rate of greater than or equal to about 200 minutes per month. (Table 6-8; col.18; 23-61)

31. Regarding claim 31, Marsh disclosed The method of Claim 19, further comprising maintaining the average revenue per user at a rate for the period of time that is proportional to a



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rate of less than or equal to about \$30 per month, and wherein the average minutes of use of the services per user is at a rate for the period of time that is proportional to a rate of greater than or equal to about 500 minutes per month. (Table 6-8; col.18; 23-61)

32. Regarding claim 32, Marsh disclosed The method of Claim 19, further comprising maintaining the average revenue per user at a rate for the period of time that is proportional to a rate of less than or equal to about \$30 per month, and wherein the operating expense per user is at a rate for the period of time that is proportional to a rate of less than or equal to about \$26 per month. (Table 6-8; col.18; 23-61)

33. Regarding claim 33, Marsh disclosed The method of Claim 19, further comprising: maintaining the average revenue per user at a rate for the period of time that is proportional to a rate of less than or equal to about \$30 per month; and maintaining the margin for the operator of the wireless communications services at greater than or equal to about 15%.(Table 6-8; col.18; 23-61)

34. Regarding Claim 34, Marsh disclosed all the particulars of the claim except providing the wireless communications services primarily in limited geographic areas in which the user substantially lives, works, and plays. However, Chow teaches in an analogous art, that The method of Claim 19, further comprising providing the wireless communications services primarily in limited geographic areas in which the user substantially lives, works, and plays. (home... free within that zone; pg.3; 0036 & 0033) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include providing the wireless communications services primarily in limited geographic areas in which the user substantially lives, works, and plays in order to provide a single rate for home neighborhood zone.

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36. Regarding claim 36, Marsh disclosed A business method for providing wireless communications services to one or more subscribers in return for payment of a charge, comprising:

determining a flat rate charge for the services; (one rate; col.2; 8-22)

determining a period of time within which the flat rate for the wireless device charge shall apply; (period of time; col.16; 53-64)

determining a charge to the account based upon the flat rate for the period of time; (col.16; 53-64); and

Marsh fails to disclosed providing unlimited access to the wireless communications services for the flat rate during the period of time. However, Chow teaches in an analogous art, that providing unlimited access to the wireless communications services for the flat rate during the period of time; and providing service to the user primarily in limited geographic areas in which tile user substantially lives, works, and plays. (home... free within that zone; pg.3; 0036 & 0033) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include providing unlimited access to the wireless communications services for the flat rate during the period of time in order to provide a single rate for home neighborhood zone.

37. Regarding claim 37, Marsh disclosed The method of Claim 36, further comprising determining the value of the flat rate without relation to minutes of use by the user of the wireless communications services during the period of time. (col.16; 53-64)

38. Regarding claim 38, Marsh disclosed The method of Claim 36, further comprising determining the value of the flat rate without relation to the number of calls made or received by the user during the period of time. (col.16; 53-64)

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39. Regarding claim 39, Marsh disclosed The method of Claim 36, wherein the period of time further comprises a predetermined time period. (col.16; 53-64)

40. Regarding claim 40, Marsh disclosed The method of Claim 36, further comprising charging a flat rate for the period of time that is proportional to a rate of less than or equal to about \$50 per month. (Table 6-8; col.18; 23-61)

41. Regarding claim 41, Marsh disclosed The method of Claim 36, further comprising charging a flat rate for the period of time that is proportional to a rate of less than or equal to about \$30 per month. (Table 6-8; col.18; 23-61)

42. Regarding claim 42, Marsh disclosed The method of Claim 36, further comprising allowing use at a rate for the period of time that is proportional to a rate of more than or equal to about 400 minutes of use per month. (Table 6-8; col.18; 23-61)

43. Regarding claim 43, Marsh disclosed The method of Claim 36, further comprising allowing use at a rate for the period of time that is proportional to a rate of more than or equal to about 600 minutes of use per month. (Table 6-8; col.18; 23-61)

44. Regarding claim 44, Marsh disclosed The method of Claim 36, further comprising allowing use at a rate for the period of time that is proportional to a rate of more than or equal to about 800 minutes of use per month. (Table 6-8; col.18; 23-61)

45. Regarding claim 45, Marsh disclosed The method of Claim 36, further comprising allowing use at a rate for the period of time that is proportional to a rate of more than or equal to about 1000 minutes of use per month. (Table 6-8; col.18; 23-61)

47. Regarding claim 47, Marsh disclosed The method of Claim 36, further comprising maintaining the average revenue per user at a rate for the period of time that is proportional to a

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rate of less than or equal to about \$40 per month, and wherein the average minutes of use of the services per user is at a rate for the period of time that is proportional to a rate of greater than or equal to about 200 minutes per month. (Table 6-8; col.18; 23-61)

48. Regarding claim 48, Marsh disclosed The method of Claim 36, further comprising maintaining the average revenue per user at a rate for the period of time that is proportional to a rate of less than or equal to about \$30 per month, and wherein the average minutes of use of the services per user is at a rate for the period of time that is proportional to a rate of greater than or equal to about 500 minutes per month. (Table 6-8; col.18; 23-61)

49. Regarding claim 49, Marsh disclosed The method of Claim 36, further comprising maintaining the average revenue per user at a rate for the period of time that is proportional to a rate of less than or equal to about \$30 per month, and wherein the operating expense per user is at a rate for the period of time that is proportional to a rate of less than or equal to about \$26 per month. (Table 6-8; col.18; 23-61)

50. Regarding claim 50, Marsh disclosed The method of Claim 36, further comprising: maintaining the average revenue per user at a rate for the period of time that is proportional to a rate of less than or equal to about \$30 per month; and maintaining the margin for the operator of the wireless communications services at greater than or equal to about 15%.(Table 6-8; col.18; 23-61)

52. Regarding claim 52, Marsh disclosed A business method for providing wireless communications services to one or more subscribers in return for payment of a charge, (abstract), comprising:  
determining a flat rate charge for the services; (one rate; col.2; 8-22)

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determining a period of time within which the flat rate for the wireless device charge shall apply;  
(period of time; col.16; 53-64)

determining a charge to the account based upon the flat rate for the period of time; (col.16; 53-64); and

Marsh fails to disclosed providing unlimited access to the wireless communications services for the flat rate during the period of time. However, Chow teaches in an analogous art, that providing unlimited access to the wireless communications services for the flat rate during the period of time, and providing service to the user primarily in limited geographic areas in which tile user substantially lives, works, and plays and adapting the wireless communications services as the user's primary telephone service. (home... free within that zone; pg.3; 0036 & 0033) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include providing unlimited access to the wireless communications services for the flat rate during the period of time in order to provide a single rate for home neighborhood zone.

53. Regarding claim 53, Marsh disclosed A business method for providing wireless communications services to one or more subscribers in return for payment of a charge, (abstract), comprising:

determining a flat rate charge for the services; (one rate; col.2; 8-22)

determining a period of time within which the flat rate for the wireless device charge shall apply;  
(period of time; col.16; 53-64)

determining a charge to the account based upon the flat rate for the period of time; (col.16; 53-64);

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and wherein the user uses the services at a rate for the period of time that is proportional to a rate of more than or equal to about 800 minutes per month. (Table 6-8; col.18; 23-61) and

Marsh fails to disclosed providing unlimited access to the wireless communications services for the flat rate during the period of time. However, Chow teaches in an analogous art, that providing unlimited access to the wireless communications services for the flat rate during the period of time, and providing service to the user primarily in limited geographic areas in which tile user substantially lives, works, and plays. (home... free within that zone; pg.3; 0036 & 0033) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include providing unlimited access to the wireless communications services for the flat rate during the period of time in order to provide a single rate for home neighborhood zone.

54. Regarding claim 54, Marsh disclosed A business method for providing wireless communications services to one or more subscribers in return for payment of a charge, (abstract), comprising:

determining a flat rate charge for the services; (one rate; col.2; 8-22)

determining a period of time within which the flat rate for the wireless device charge shall apply; (period of time; col.16; 53-64)

determining a charge to the account based upon the flat rate for the period of time; (col.16; 53-64);

providing services to the user at a rate that is proportional to a rate of more than or equal to about 500 minutes per month; rendering charges to the user substantially in advance of receipt of the services; and receiving payment from the user substantially in advance of receipt of the services. (Table 6-8; col.18; 23-61) and

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Marsh fails to disclosed providing unlimited access to the wireless communications services for the flat rate during the period of time. However, Chow teaches in an analogous art, that providing unlimited access to the wireless communications services for the flat rate during the period of time, and providing service to the user primarily in limited geographic areas in which tile user substantially lives, works, and plays. (home... free within that zone; pg.3; 0036 & 0033) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include providing unlimited access to the wireless communications services for the flat rate during the period of time in order to provide a single rate for home neighborhood zone.

55. Regarding claim 55, Marsh disclosed The method of Claim 54, further comprising determining the value of the flat rate without relation to minutes of use by the user of the wireless communications services during the period of time. (col.16; 53-64)

56. Regarding claim 56, Marsh disclosed The method of Claim 54, further comprising determining the value of the flat rate without relation to the number of calls made or received by the user during the period of time. (col.16; 53-64)

57. Regarding claim 57, Marsh disclosed The method of Claim 54, wherein the period of time further comprises a predetermined time period. (col.16; 53-64)

58. Regarding claim 58, Marsh disclosed The method of Claim 54, further comprising charging a flat rate for the period of time that is proportional to a rate of less than or equal to about \$50 per month. (Table 6-8; col.18; 23-61)

59. Regarding claim 59, Marsh disclosed The method of Claim 54, further comprising charging a flat rate for the period of time that is proportional to a rate of less than or equal to about \$30 per month. (Table 6-8; col.18; 23-61)

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61. Regarding claim 61, Marsh disclosed The method of Claim 54, further comprising maintaining the average revenue per user at a rate for the period of time that is proportional to a rate of less than or equal to about \$30 per month, and wherein the operating expense per user is at a rate for the period of time that is proportional to a rate of less than or equal to about \$26 per month. (Table 6-8; col.18; 23-61)

62. Regarding claim 62, Marsh disclosed The method of Claim 54, further comprising: maintaining the average revenue per user at a rate for the period of time that is proportional to a rate of less than or equal to about \$30 per month; and maintaining the margin for the operator of the wireless communications services at greater than or equal to about 15%.(Table 6-8; col.18; 23-61)

64. Regarding claim 64, Marsh disclosed A business method for providing wireless communications services to one or more subscribers in return for payment of a charge, (abstract), comprising:

determining a flat rate charge for the services; (one rate; col.2; 8-22)

determining a period of time within which the flat rate for the wireless device charge shall apply; (period of time; col.16; 53-64)

determining a charge to the account based upon the flat rate for the period of time; (col.16; 53-64);

rendering charges to the user in a billing statement that does not include detailed records of the user's calls; rendering charges to the user substantially in advance of receipt by the user of the services; and receiving payment from the user substantially in advance of receipt by the user of the services (col.9; 1-24) and



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providing the user with a use rate for the period of time that is proportional to a rate of more than or equal to about 500 minutes of use of the services per month; rendering the services to the user without requiring the user to execute a pre subscription agreement. (Table 6-8; col.18; 23-61)

Marsh fails to disclosed providing unlimited access to the wireless communications services for the flat rate during the period of time. However, Chow teaches in an analogous art, that providing unlimited access to the wireless communications services for the flat rate during the period of time, and providing service to the user primarily in limited geographic areas in which tile user substantially lives, works, and plays. (home... free within that zone; pg.3; 0036 & 0033) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include providing unlimited access to the wireless communications services for the flat rate during the period of time in order to provide a single rate for home neighborhood zone.

65. Regarding claim 65, Marsh disclosed The method of Claim 64, further comprising determining the value of the flat rate without relation to minutes of use by the user of the wireless communications services during the period of time. (col.16; 53-64)

66. Regarding claim 66, Marsh disclosed The method of Claim 64, further comprising determining the value of the flat rate without relation to the number of calls made or received by the user during the period of time. (col.16; 53-64)

67. Regarding claim 67, Marsh disclosed The method of Claim 64, wherein the period of time further comprises a predetermined time period. (col.16; 53-64)

68. Regarding claim 68, Marsh disclosed The method of Claim 64, further comprising charging a flat rate for the period of time that is proportional to a rate of less than or equal to about \$50 per month. (Table 6-8; col.18; 23-61)

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69. Regarding claim 69, Marsh disclosed The method of Claim 64, further comprising charging a flat rate for the period of time that is proportional to a rate of less than or equal to about \$30 per month. (Table 6-8; col.18; 23-61)

71. Regarding claim 71, Marsh disclosed The method of Claim 64, further comprising maintaining the average revenue per user at a rate for the period of time that is proportional to a rate of less than or equal to about \$30 per month, and wherein the operating expense per user is at a rate for the period of time that is proportional to a rate of less than or equal to about \$26 per month. (Table 6-8; col.18; 23-61)

72. Regarding claim 72, Marsh disclosed The method of Claim 64, further comprising: maintaining the average revenue per user at a rate for the period of time that is proportional to a rate of less than or equal to about \$30 per month; and maintaining the margin for the operator of the wireless communications services at greater than or equal to about 15%.(Table 6-8; col.18; 23-61)

Claims 12, 29, 46, 60, 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marsh et al. & Chow et al., further in view of Chung et al.

12. Regarding Claim 12, The above combination disclosed all the particulars of the claim except adapting the wireless communications services as the user's primary telephone service. However, Chung teaches in an analogous art, that The method of claim 1, further comprising adapting the wireless communications services as the user's primary telephone service. (col.1; 46-53)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention

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to include adapting the wireless communications services as the user's primary telephone service in order to provide the most optimal service plan available for a particular number.

29. Regarding Claim 29, The above combination disclosed all the particulars of the claim except adapting the wireless communications services as the user's primary telephone service. However, Chung teaches in an analogous art, that The method of claim 19, further comprising adapting the wireless communications services as the user's primary telephone service. (col.1; 46–53)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include adapting the wireless communications services as the user's primary telephone service in order to provide the most optimal service plan available for a particular number.

46. Regarding Claim 46, The above combination disclosed all the particulars of the claim except adapting the wireless communications services as the user's primary telephone service. However, Chung teaches in an analogous art, that The method of claim 36, further comprising adapting the wireless communications services as the user's primary telephone service. (col.1; 46–53)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include adapting the wireless communications services as the user's primary telephone service in order to provide the most optimal service plan available for a particular number.

60. Regarding Claim 60, The above combination disclosed all the particulars of the claim except adapting the wireless communications services as the user's primary telephone service. However, Chung teaches in an analogous art, that The method of claim 54, further comprising adapting the wireless communications services as the user's primary telephone service. (col.1; 46–53)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention

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to include adapting the wireless communications services as the user's primary telephone service in order to provide the most optimal service plan available for a particular number.

70. Regarding Claim 70, The above combination disclosed all the particulars of the claim except adapting the wireless communications services as the user's primary telephone service. However, Chung teaches in an analogous art, that The method of claim 64, further comprising adapting the wireless communications services as the user's primary telephone service. (col.1; 46–53)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include adapting the wireless communications services as the user's primary telephone service in order to provide the most optimal service plan available for a particular number.

Claims 18, 35, 51, 63, 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marsh et al. & Chow et al., further in view of Dahm et al.

18. Regarding Claim 18, The above combination disclosed all the particulars of the claim except maintaining a user churn rate of less than or equal to about 4% for users who have retained the services for about three or more months. However, Dahm teaches in an analogous art, that The method of claim 1, further comprising maintaining a user churn rate of less than or equal to about 4% for users who have retained the services for about three or more months. (col.12; 12–36, col.15; 33-57) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include maintaining a user churn rate of less than or equal to about 4% for users who have retained the services for about three or more months in order to provide the subscriber loyalty and retention techniques.

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35. Regarding Claim 35, The above combination disclosed all the particulars of the claim except maintaining a user churn rate of less than or equal to about 4% for users who have retained the services for about three or more months. However, Dahm teaches in an analogous art, that The method of claim 19, further comprising maintaining a user churn rate of less than or equal to about 4% for users who have retained the services for about three or more months. (col.12; 12-36, col.15; 33-57) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include maintaining a user churn rate of less than or equal to about 4% for users who have retained the services for about three or more months in order to provide the subscriber loyalty and retention techniques.

51. Regarding Claim 51, The above combination disclosed all the particulars of the claim except maintaining a user churn rate of less than or equal to about 4% for users who have retained the services for about three or more months. However, Dahm teaches in an analogous art, that The method of claim 36, further comprising maintaining a user churn rate of less than or equal to about 4% for users who have retained the services for about three or more months. (col.12; 12-36, col.15; 33-57) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include maintaining a user churn rate of less than or equal to about 4% for users who have retained the services for about three or more months in order to provide the subscriber loyalty and retention techniques.

63. Regarding Claim 63, The above combination disclosed all the particulars of the claim except maintaining a user churn rate of less than or equal to about 4% for users who have retained the services for about three or more months. However, Dahm teaches in an analogous art, that The method of claim 54, further comprising maintaining a user churn rate of less than or equal to

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about 4% for users who have retained the services for about three or more months. (col.12; 12–36, col.15; 33-57) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include maintaining a user churn rate of less than or equal to about 4% for users who have retained the services for about three or more months in order to provide the subscriber loyalty and retention techniques.

73. Regarding Claim 73, The above combination disclosed all the particulars of the claim except maintaining a user churn rate of less than or equal to about 4% for users who have retained the services for about three or more months. However, Dahm teaches in an analogous art, that The method of claim 64, further comprising maintaining a user churn rate of less than or equal to about 4% for users who have retained the services for about three or more months. (col.12; 12–36, col.15; 33-57) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include maintaining a user churn rate of less than or equal to about 4% for users who have retained the services for about three or more months in order to provide the subscriber loyalty and retention techniques.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is 703-308-4736. The examiner can normally be reached on Mon-Fri. (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Sharad Rampuria  
June 17, 2004



**WILLIAM TROST**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**